

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEBORA NOVAKOWSKI,)	
)	Civil Action No. 04-356E
Plaintiff,)	
)	Judge McLaughlin
v.)	
)	Electronically Filed
ELAINE CHAO, SECRETARY, AND THE)	
UNITED STATES DEPARTMENT)	
OF LABOR,)	
)	
Defendants.)	

**DEFENDANTS' MOTION IN LIMINE TO EXCLUDE EVIDENCE OF AN ALLEGED
PATTERN AND PRACTICE OF DISCRIMINATION BY DEFENDANTS**

AND NOW, come Defendants, Elaine Chao, Secretary, and the United States Department of Labor, by and through their attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul E. Skirtich, Assistant United States Attorney for the same district, and move the Court to issue an Order excluding all evidence of an alleged pattern and practice of discrimination, including evidence regarding hiring/promotion decisions at various OSHA offices in the Philadelphia region, on the grounds that such evidence would be irrelevant to the sole issue in this case - Plaintiff's non-selection for a promotion in the Erie office.

A Brief in support of this Motion is being filed simultaneously herewith and is incorporated herein by reference.

WHEREFORE, Defendants, Elaine Chao, Secretary, and the United States Department of Labor, respectfully request that the Court issue an Order excluding any evidence of an alleged pattern and practice of discrimination by Defendants.

Dated: June 2, 2006

Respectfully Submitted,

MARY BETH BUCHANAN
UNITED STATES ATTORNEY

s/ Paul E. Skirtich
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion in Limine was electronically filed and/or served via First-Class U.S. Mail on this 2nd day of June, 2006, on the following:

John R. Linkosky, Esquire
John Linkosky & Associates
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Carnegie, PA 15106

s/ Paul E. Skirtich

Paul E. Skirtich
Assistant U.S. Attorney